

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
-vs- : CRIMINAL NO. 03-35E
JENNIFER HOLLAND :

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PROCEEDINGS: INITIAL APPEARANCE
BEFORE: HONORABLE SUSAN P. BAXTER
UNITED STATES MAGISTRATE JUDGE
DATE: JUNE 24, 2003
APPEARANCE: CHRISTIAN TRABOLD, ESQUIRE
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PROCEEDINGS

THE COURT: -- Pennsylvania. You may be seated.

MR. TRABOLD: Good afternoon, Your Honor.

THE COURT: Good afternoon. The case before the Court is United States of America versus Jennifer Z. Holland. It's docketed in Erie at Magistrate Number 03-35ME. The docket number in the District of Hawaii is Criminal 2-425DAD. Representing the Government is Christian Trabold. The Defendant is unrepresented at this proceeding. Ms. Holland, do you understand English?

MS. HOLLAND: Yes.

THE COURT: We're going to do a number of things today. We're going to make sure that you understand your rights, that you understand the charges against you, and we'll get you an attorney if you need one. But we are also going to make arrangements to have you face the charges against you in the district where they were brought. And that is the District of (inaudible). Do you understand?

MS. HOLLAND: Yes.

THE COURT: I want you to know at the outset that you have the right to an attorney that you chose, one that you hire for yourself. But if you don't have an attorney or can't afford one, the Government will provide one for you.

1 You also have the right not to make any
2 statements at this hearing; that any statements you make here
3 could be used against you at another time. Do you understand
4 that?

5 MS. HOLLAND: Yes, I do.

6 THE COURT: Have you a copy -- do you have a
7 copy of the --

8 MR. TRABOLD: I have one copy of it, Your
9 Honor.

10 THE COURT: Oh. You have a right to a
11 hearing. It's called an Identity Hearing. That would decide
12 whether or not you were the Jennifer Z. Holland named in the
13 Indictment. If you are contesting that you are the person
14 named in the Indictment, you have a right to a hearing where
15 we decide whether or not they arrested the right person. If
16 you do not, then you waive your Identity Hearing because you
17 agree this is the person that they are looking for in the
18 Indictment. All right?

19 MS. HOLLAND: Yes.

20 THE COURT: Do you wish to contest the
21 Identity Hearing?

22 MS. HOLLAND: No. Except for one thing, it's
23 V, not Z.

24 THE COURT: Pardon me?

25 MS. HOLLAND: It's V, not Z.

1 THE COURT: Not Z?

2 MS. HOLLAND: Right.

3 THE COURT: (Inaudible). It'll take the Clerk
4 of Court to change that (inaudible). Okay. Plus this is by
5 Indictment, she does not have a right to Preliminary
6 Examination, is that correct?

7 MR. TRABOLD: Correct.

8 THE COURT: All right. Mr. Trabold, would you
9 explain to her the charges against her, please.

10 MR. TRABOLD: Ms. Holland, you're indicted in
11 the District Court for the District of Hawaii. The
12 Indictment reads as follows:

13 On or about August 3, 1998 in the District of
14 Hawaii, Jennifer, it says Z, but you've informed us that your
15 actual middle initial is V, Holland, did knowingly possess a
16 computer hard drive which contained visual depictions of
17 minors engaged in sexually explicit conduct; with Jennifer Z.
18 Holland knowing that the production of such visual depictions
19 involved the use of minors engaged in sexually explicit
20 conduct, and that such depictions were of such conduct, and
21 which depictions had been transported in interstate and
22 foreign commerce, and had been produced using materials which
23 had been shipped and transported in interstate and foreign
24 commerce, in violation of Title 18, United States Code,
25 Section 2252(a)(4)(b). And it's dated Honolulu, Hawaii,

1 October 23, 2002.

2 Do you understand the charge against you,
3 ma'am?

4 MS. HOLLAND: Yes.

5 MR. TRABOLD: Do you have any questions?

6 MS. HOLLAND: I don't understand what you mean
7 by transport?

8 MR. TRABOLD: Essentially, the statute
9 requires that at some point in time the images, whether it be
10 by computer or any other means, had to cross state lines.

11 MS. HOLLAND: Okay.

12 MR. TRABOLD: That offense in Federal Court
13 carries a maximum possible penalty of five years in jail, a
14 fine of \$250,000, and a period of supervised release of three
15 years. Do you understand that?

16 MS. HOLLAND: Yes.

17 THE COURT: All right. Ms. Holland, the last
18 thing I want to make sure that you understand is this: You
19 do not have to be sent back to Hawaii to face the charges if
20 you wish to plead guilty to them. And you may be, and you
21 are permitted to stay here and plead guilty to the charges
22 here and then be sentenced here. If you wish to defend
23 against the charges, however, you can't do that here, you
24 have to do that in the district where the charges were
25 brought. Do you understand?

1 MS. HOLLAND: Yes.

2 THE COURT: All right. Do you wish to go back
3 and face the charges to defend yourself?

4 MS. HOLLAND: No, I don't. I wish to plead
5 guilty.

6 THE COURT: You wish to plead guilty. All
7 right. Then what I'm going to do is I'm going to appoint Mr.
8 Patten (phonetic) to see you to discuss this before we go
9 further. (Inaudible).

10 MS. HOLLAND: Sure.

11 THE COURT: All right. And (inaudible)
12 request to have (inaudible) custody. The Government has
13 moved for detention?

14 MR. TRABOLD: Correct.

15 THE COURT: All right. Then I will sign a
16 temporary order to keep her incarcerated until she's spoken
17 with the Federal Public Defender. And then we will
18 discuss -- discuss this further at that time. You will stay
19 incarcerated here, and you will talk to Mr. Patten. I will
20 try to get him there today; if not, he will see you tomorrow.

21 MS. HOLLAND: I understand.

22 THE COURT: (Inaudible). We may. It depends
23 on (inaudible). We'll set up another hearing for Thursday.
24 (Inaudible). (Inaudible). Let's set something up for
25 10 o'clock Thursday morning where we can go through all this.

1 And I don't want to call a detention hearing yet because I'm
2 not sure (inaudible).

3 MR. TRABOLD: Thursday, 10:00 a.m.?

4 THE COURT: Yes. Then we're adjourned. I
5 will contact -- let's contact Mr. Patten. Thank you.

6 CLERK: All rise. Court is adjourned.

7 END OF PROCEEDINGS.

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3 COMMONWEALTH OF PENNSYLVANIA:

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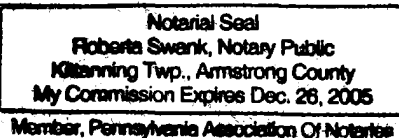
7 I, ROBERTA SWANK, CSR, RPR, Registered Professional
8 Reporter and Notary Public, Commonwealth of Pennsylvania,

9 DO HEREBY CERTIFY that taped proceedings were had
10 in the captioned matter at the time and place stated herein;
11 that I was authorized to and did type said taped proceedings
12 and testimony, and that the foregoing pages, Number 1 through
13 8 inclusive, constitute a true and correct transcription of
14 said taped proceedings and testimony as had.

15 WITNESS MY HAND AND OFFICIAL SEAL this 26th day of
16 August, 2005 at Ebensburg, Cambria County, Pennsylvania.

17
18
19 *Roberta Swank*

20
21 Roberta Swank, CSR, RPR
22 Notary Public
23 Commonwealth of Pennsylvania
24 My Commission Expires:
25 December 26, 2005



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